

## 2011 DRAFTING REQUEST

### Bill

Received: 10/27/2011

Received By: jkuesel

Wanted: As time permits

Companion to LRB:

For: Mike Endsley (608) 266-0656

By/Representing: Lauren Clark

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Endsley@legis.wi.gov

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Maintenance of voting returns by ward

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### Instructions:

Per LRB-2611/1, with permission of Sen. Leibham's office (EM, Jeff Weigand, 10/19/11).

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 10/28/2011	kfollett 10/28/2011		_____			
/1			jfrantze 10/28/2011	_____	lparisi 10/28/2011	lparisi 10/28/2011	

FE Sent For:

<END>

*none*

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12/1	jkuesel 10/27/11	1/16 f 10/28		10/28			

FE Sent For:

<END>

**Kuesel, Jeffery**

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**From:** Weigand, Jeffrey  
**Sent:** Wednesday, October 19, 2011 12:51 PM  
**To:** Kuesel, Jeffery  
**Cc:** Clark, Lauren  
**Subject:** RE: Ward Reporting

Jeff,

We are good to go. Both clerks approved this. If we could make this a priority that would be great.

We will need both a Senate Bill and Assembly Bill.

Representative Endsley will be authoring the Assembly Bill. I have cc'd Lauren Clark in Rep. Endsley's office.

Thanks for your help!

Jeff Weigand  
Sen. Leibham's Office  
266-2056

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**From:** Kuesel, Jeffery  
**Sent:** Wednesday, October 19, 2011 8:33 AM  
**To:** Weigand, Jeffrey  
**Subject:** FW: Ward Reporting

Jeff,

I had talked with Kevin Kennedy earlier and had been awaiting his recommendations. Please let me know if this approach seems OK to Sheboygan city and county and I will then follow up.

Jeff Kuesel

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**From:** Kennedy, Kevin - GAB [mailto:Kevin.Kennedy@Wisconsin.gov]  
**Sent:** Tuesday, October 18, 2011 6:28 PM  
**To:** Weigand, Jeffrey  
**Cc:** Kuesel, Jeffery  
**Subject:** RE: Ward Reporting

Jeff,

My apologies for not getting this to you earlier today. We were discussing this change with Julie Glancey, the Sheboygan County Clerk. She had a concern about the proposed change because she believed that the addition of references to the spring primary (s.5.58) and spring election (s.5.60) would require increased recordkeeping and paperwork for poll workers and clerks in those elections.

The attached draft addresses that concern by changing the reference to "returns" that must be maintained for combined wards to "results." Returns include all the supporting paperwork for an election such as the poll lists, inspectors' statements, transmittal envelopes for absentee ballot envelopes and rejected ballots and ballot containers as well as the tally sheets showing the election results for each office.

By using the term "results" or something similar, we address the drafter's concern that this information needs to be maintained to determine the winner without requiring separate supporting documents for each type of ballot – state, county, municipal school or referenda. Under this approach each polling place could maintain a single

inspectors' statement, which records polling place incidents such as challenged voters, machine breakdowns and other unusual Election Day occurrences while providing separate tally sheets showing results for each type of ballot. Similarly a single transmittal envelope could be used for rejected ballots and used absentee ballot certificate envelopes as well as other supporting documents maintained at the polling place.

I would be happy to discuss this further with you or the drafter.

Kevin

Kevin J. Kennedy  
Director and General Counsel  
Wisconsin Government Accountability Board  
608-261-8683  
kevin.kennedy@wi.gov

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**From:** Weigand, Jeffrey [mailto:Jeff.Weigand@legis.wisconsin.gov]  
**Sent:** Tuesday, October 18, 2011 4:48 PM  
**To:** Kennedy, Kevin - GAB  
**Subject:** Ward Reporting

Kevin,

I just wanted to follow up on our phone conversation from yesterday in regard to the legislation that Senator Leibham has been working on with Sue Richards (Sheboygan City Clerk).

Where you able to put together a memo on the proposed changes?

Thank you for your help on this matter.

Jeff Weigand  
Senator Joe Leibham's Office  
266-2056



State of Wisconsin  
2011 - 2012 LEGISLATURE

Fri 10/28

3355/1  
LRB-2011/1

JTK:kjfrs

2011 BILL

Regen

- 1 AN ACT *to amend* 5.15 (6) (b) of the statutes; **relating to:** the method of reporting  
2 election returns by municipalities.

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***Analysis by the Legislative Reference Bureau***

Currently, the voters of each ward vote at the same polling place, which is generally separate from other polling places in a municipality. Election returns are reported by ward unless otherwise authorized by law. Currently, no later than 60 days before each September primary and general election, and no later than 30 days before each other election, the governing body of a municipality may combine two or more wards for voting purposes to permit the use of a common polling place. In municipalities with a population of 35,000 or more, a municipality must continue to report all election returns by ward even where wards are combined for voting purposes at a single location. Other municipalities may report returns for combined wards together unless a separate ballot is required in a partisan election, in which case separate returns must be reported for the offices listed on each separate ballot so that the results of the various elections may be determined.

This bill permits any municipality that combines wards for voting purposes, regardless of population, to report returns only for combined wards unless a separate ballot is required in a partisan or nonpartisan election, in which case the municipality must report separate results for the offices listed on each separate ballot.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

## BILL

## SECTION 1

✓  
SECTION 1. 5.15 (6) (b) of the statutes is amended to read:

5.15 (6) (b) No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. ~~Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more~~ The municipality shall maintain separate returns for each ward so combined. ~~In municipalities having a population of less than 35,000, the unless the governing body may provide~~ provides in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides ~~for common ballot boxes and ballots or voting machines, that returns shall be maintained only for each group of combined wards,~~ the municipality shall report separate returns shall be maintained results for each separate ballot required under ss. ~~5.62 and~~ 5.58 to 5.64 at the September primary ~~and general election.~~ The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. ~~In municipalities having a population of less than 35,000, the~~ The resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

SECTION 2. Initial applicability.

(1) This act first applies with respect to reporting of election returns for elections held on or after the effective date of this subsection.

(END)

**Parisi, Lori**

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**From:** Clark, Lauren  
**Sent:** Friday, October 28, 2011 10:36 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3355/1 Topic: Maintenance of voting returns by ward

Please Jacket LRB 11-3355/1 for the ASSEMBLY.